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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,529	01/13/2006	Natsumi Saito	282210US6PCT	1854
22850 7590 12/30/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER TEKLE, DANIEL T				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 12/30/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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jgardner@oblon.com

### Office Action Summary

**Application No.**

10/564,529

**Applicant(s)**

SAITO, NATSUMI

**Examiner**

DANIEL TEKLE

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2009 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-13 rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al.  
(US 2006/0140584).

**Regarding Claim 1:** Ellis et al. discloses a recording apparatus comprising: setting means for setting a keyword (**paragraph 0228**); broadcast signal reception means for receiving a broadcast signal broadcast from a broadcast station (**paragraph 0228**); recording means for temporarily recording a last predetermined amount of the broadcast signal received by said broadcast signal reception means as broadcast data in a buffer on a recording medium (**paragraph 0028 and 0239**); communication means for repeatedly transmitting request information to an external apparatus every predetermined interval of time to request real-time broadcast information corresponding to contents of said broadcast signal currently being received (**paragraph 0006 and 0470 for live video with user request; paragraph 0478 for real-time broadcasting**), and receiving the real-time broadcast information which said external apparatus transmits in response to each transmission request information (**paragraph 0174-0175**); detection means for detecting whether or not real-time broadcast information received by said communication means includes said keyword (**paragraph 228, and 193**); and control means for controlling recording means to record broadcast data on recording medium as new recorded broadcast data in response to detection means detecting that real-time (**paragraph 0006 and 0470 for live video with user request; paragraph 0478 for real-time broadcasting**) broadcast information includes keyword (**paragraph 0028, 0229-0230**), such that a part of said broadcast data temporarily recorded in buffer is stored as a first portion of the new recorded broadcast data(**paragraph 0239**).

**Regarding Claim 2:** Ellis et al. discloses a recording apparatus according to claim 1, wherein if said detection means detects that said broadcast information received by said

communication means does not include said keyword while actually recording said broadcast data as new recorded broadcast data, control means stops the recording of said broadcast data as new recorded broadcast data (**paragraph 0299**).

**Regarding Claim 3:** Ellis et al. discloses a recording apparatus according to claim 1, further comprising: a timer for outputting present time (**paragraph 0234**); and acquisition means for acquiring program guide data from external apparatus, said program guide data including a broadcast station name, a program name, a program start time and a program end time, wherein said setting means sets the broadcast station name and the program name in addition to said keyword (**paragraph 0234 and fig. 25**); and said broadcast signal reception means retrieves the program start time and program end time corresponding to said set program name from said program guide data based on said set broadcast station name and program name, and tunes in on the broadcast station corresponding to said set broadcast station name when the output of said timer corresponds to said program start time (**paragraph 0234**).

**Regarding Claim 4:** Ellis et al. discloses a recording apparatus according to claim 1, wherein said recording means starts the recording of said broadcast data in buffer when said setting means sets the keyword, said broadcast data being recorded on said recording medium (**paragraph 0228**).

**Regarding Claim 5:** Ellis et al. discloses a recording apparatus according to claim 1, further comprising a timer for outputting present time, wherein said control means specifies a beginning position of first portion of the new recorded broadcast data based

on a content broadcast start time included in said broadcast information and the present time output from said timer, when said detection means detects that said broadcast information includes said keyword (**paragraph 0038**).

**Regarding Claim 6:** Ellis et al. discloses a recording apparatus according to claim 5, wherein said control means stops the recording of said broadcast data as new recorded broadcast data when a content broadcast end time included in said broadcast information corresponds to the present time output from said timer (**Fig. 31 and paragraph 0298-0299**).

**Regarding Claim 7:** Claim 7 reject for the same subject matter as claim 1 discussed above.

**Regarding Claim 8-12:** Claim 8-12 reject for the same subject matter as claim 2-6 respectively discussed above.

**Regarding Claim 13:** Claim 13 reject for the same subject matter as claim 1 discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621